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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FILED
HARRISBURG, PA

DEC 03 2002

WILLIAM CLARK,

Plaintiff,

v.

LARRY LIDGETT, et. al.,

Defendants.

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Civil Action No. 01-CV-0764

(Judge William W. Caldwell)

JURY TRIAL DEMANDED

MARY E. D'AMOREA, CLERK
Per 9/18
Deputy Clerk

**DEFENDANTS' JOINT MOTION FOR
AN ENLARGEMENT OF TIME**

Defendants, by and through their attorneys, respectfully request this Honorable Court to grant them an enlargement of time until Wednesday, December 18, 2002, to file their respective Statements of Material Facts as is required by Pa.MDLR 56.1, simultaneously with their Supporting Brief to their respective Motions for Summary Judgment. The following averments are made in support of this Motion:

Parties and Nature of Action:

1. Plaintiff William Clark is an inmate currently incarcerated at the State Correctional Institution at Rockview ("SCI-Rockview"). See Complaint (doc. 1), ¶2.

2. Clark named the following Department of Corrections employees as Defendants (“Corrections Defendants”): (1) former Secretary of the Department, Martin Horn; (2) SCI-Rockview Superintendent, Robert W. Meyers; and (3) former SCI-Rockview Corrections Health Care Administrator, Larry Lidgett. See Complaint, ¶¶ 3, 4, 7.
3. Additionally, Clark named as Defendants the contracted medical provider at SCI-Rockview: (1) Wexford Health Sources, Inc (“Wexford”); and (2) Wexford Medical Director, Dr. John Symons. James D. Young, Esquire, represents both parties in this action. See Complaint, ¶¶ 5,6; see also Entry of Appearance (doc. 11).
4. This is a 42 U.S.C. § 1983 action alleging deliberate indifference to the treatment of Clark’s Hepatitis C condition in violation of his Eighth Amendment rights under the United States Constitution. Clark also has pendent state claims of negligence and medical malpractice. Clark seeks compensatory and punitive damages, as well as, declaratory and injunctive relief. See Complaint, ¶¶ 8-58; Relief Requested, pp. 10-11.

Relevant Procedural History:

5. Clark filed the Complaint on May 2, 2001. (Doc. 1).

6. Discovery in this action is now complete; however, there are some outstanding discovery related motions pending for disposition by this Honorable Court.
7. The Court, by Order dated August 6, 2002, directed that dispositive motions, if any, should be filed on or before December 4, 2002. (doc. 66).
8. Defendants intend to file their respective Motions for Summary Judgment on December 4, 2002; however, as a housekeeping matter, seek leave to file their respective Statements of Material Facts at the same time they file the Supporting materials to the Motions for Summary Judgment.

Request for an Enlargement of Time:

9. The Defendants respectfully request an enlargement of time until Wednesday, December 18, 2002, to file and serve their respective Statements of Material Facts.
10. Federal Rule of Civil Procedure 6(b) provides, in part, that “[w]hen by these rules . . . an act required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion . . . order the period enlarged if request therefore is made before expiration of the period originally prescribed”
11. This request for an enlargement of time is made so that the Defendants’ attorneys can comb through the numerous discovery responses and Clark’s

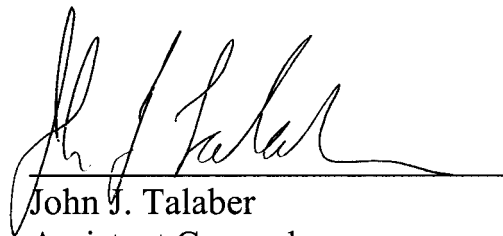
deposition in preparing their Supporting Briefs for the Motions for Summary Judgment, and present to the Court the appropriate material facts for consideration of the issues at bar.

12. There is no harm to Clark in granting this request, as he will be receiving the Statement of Material Facts at the same time he receives Defendants' supporting documents.
13. Counsel for the Non Corrections Defendants concurs in this Joint Motion.

WHEREFORE, for the reasons set forth above, the Defendants respectfully request the Court to grant them an enlargement of time until Wednesday, December 18, 2002, to file their respective Statements of Material Facts relating to their Motions for Summary Judgment.

Respectfully submitted,
Office of General Counsel

BY:



John J. Talaber
Assistant Counsel
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55 Utley Drive
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Dated: December 3, 2002

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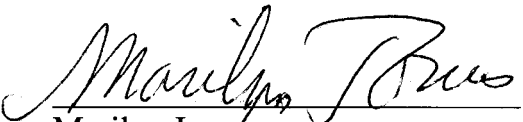
PROOF OF SERVICE

The undersigned hereby certifies that the Corrections Defendants' Joint Motion for Enlargement of Time was served upon the person(s) in the manner indicated below.

Service by first-class mail
addressed as follows:

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Marilyn Jones
Clerk Typist II

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Dated: December 3, 2002